

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Darren Kenneth ROGERS

Appl. No. To Be Assigned

Filed: Concurrently Herewith

For: CELLULAR COAL PRODUCTS
AND PROCESSES

Art Unit: To Be Assigned

Examiner: To Be Assigned

Atty. Docket: 07620003C2

Information Disclosure Statement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant respectfully brings the following information listed on accompanying Form PTO-1449 to the attention of the Examiner.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior

art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. §120. 1138 OG 37, 38 (May 19, 1992).

Applicant has checked the appropriate boxes below.

- ☒ 1. This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits OR before the mailing date of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114. No certification or fee is required.
- ☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R.

§ 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ c. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 3. This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our Check No. _____ in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(i)(1).
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ 4. Relevance of the non-English language document(s) is discussed in the present specification.
- ☐ 5. The document(s) was/were cited in a corresponding foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below:
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No.

_____, filed _____, which is directed to related technical subject matter.

The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

- ☒ 8. Copies of the documents were cited by or submitted to the Office in Application No. **09/902,828**, filed **July 10, 2001**, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 23-1951.

Respectfully submitted,



Philip D. Lane
Reg. No. 41,140

Date: March 29, 2004

MCGUIRE WOODS LLP
1750 Tysons Boulevard
Suite 1800
McLean, VA 22102-4215
Telephone No. 703-712-5069
Facsimile No. 703-712-5096

Form PTO-1449 (Modified) LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	Attorney Docket No.: 07620003C2	Serial No.: To Be Assigned
Page 1 of 1	Applicant: Darren K. Rogers	
	Filing Date: Concurrently Herewith	Group: To Be Assigned

REFERENCE DESIGNATION		U.S. PATENT DOCUMENTS					
EXAMINERS INITIALS		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE (IF APPRO.)
		US 3,111,396	11/1963	Ball	----	----	
		US 5,888,469	03/1999	Stiller et al.	----	----	
		US 4,128,401	12/1978	Powell et al.	----	----	
		US 5,705,139	01/1998	Stiller et al.	----	----	
		US 4,432,773	02/1984	Euker et al.	----	----	
		US 3,185,635	05/1965	Creglow	----	----	
		US 3,754,876	08/1973	Pennington et al.	----	----	
		US 4,127,391	11/1978	Koppelman	----	----	
		US 4,475,924	10/1984	Meyer	----	----	
		US 4,632,731	12/1986	Bodle et al.	----	----	
		US 4,668,244	05/1987	Nakamura et al.	----	----	
		US 4,849,021	07/1989	Nakai et al.	----	----	
		US 3,018,227	01/1957	Baum	----	----	

FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
		GB 1489690	10-26-1977	GB	----	----	<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)			
			Kirk-Othmer, Encyclopedia of Chemical Technology, 4 th Edition, Volume 6, John Wiley & Sons, NY., Application of Coal Petrology & Petrography, pages 429-434 & 454-455, 1993.

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.